



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**TO:** L. RICHARD MARTIN, JR.  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Senior Assistant Attorney General

**DATE:** July 22, 2009

**SUBJECT:** Final Regulation 22 VAC 40-910-10 et seq.  
General Provisions for Maintaining and Disclosing Confidential  
Information of Public Assistance, Child Support Enforcement, and  
Social Services Records

I have reviewed the above-referenced final regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the final regulation and if this action by the State Board is exempt from the Administrative Process Act (APA).

It appears that the State Board has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The changes to the regulation are necessary to comply with a directive from the Department of Health and Human Services Administration for Children and Families to make the regulatory language consistent with the Child Abuse and Prevention Treatment Act (CAPTA). Pursuant to § 2.2-4006(A)(4)(c) of the Virginia Code, this action by the Board is exempt from the requirements of the APA.

If you have any questions, please feel free to call me at 786-0095.